

JUDD BURSTEIN, P.C.
ATTORNEYS AT LAW

JUDD BURSTEIN*
JBURSTEIN@BURLAW.COM

PETER B. SCHALK**
PSCHALK@BURLAW.COM

STEVEN ISSER
OF COUNSEL
SISSER@BURLAW.COM

*ALSO ADMITTED IN CONNECTICUT
**ALSO ADMITTED IN NEW JERSEY

110 EAST 59TH STREET
22ND FLOOR
NEW YORK, NEW YORK 10022
TEL: (212) 974-2400
FAX: (212) 974-2944
WWW.BURLAW.COM

12 OLD HILL FARMS ROAD
WESTPORT, CONNECTICUT 06880

March 12, 2024

VIA ECF

Honorable Jessica G. L. Clarke
United States District Judge
United States District Court, Southern District of New York
500 Pearl Street, Room 1040
New York, NY 10007

Re: *Parker v. Bursor et al.*, Case No. 24-cv-245 (JGLC) (RFT)

Dear Judge Clarke:

Defendants respectfully submit this letter motion requesting that the Court order that the transcript (the “January 24 Transcript”) of proceedings held on January 24, 2024 (the “January 24 Conference”) be sealed until 30-days following its ruling on the parties’ Objections to the Report and Recommendation (Doc. No. 25) of Magistrate Judge Robyn F. Tarnofsky.

A March 6, 2024 Notice of Filing of Official Transcript (“Notice of Filing”) from the January 24 Conference was entered on the Docket on March 7, 2024. *See* Doc. No. 50. Based on the Notice of Filing, the parties have seven (7) calendar days from March 7, 2024, to file a Notice of Intent to Request Redaction of the January 24 Transcript, and if no such Notice is filed, the transcript may be made remotely electronically available to the public after ninety (90) calendar days. *See* Doc. No. 50. Moreover, the redaction process may only be used to redact Social-Security numbers, dates of birth, minors’ names, and financial account numbers. *Id.*

Based on this Court’s Memo Endorsement dated January 25, 2024, Plaintiff’s Complaint is to be filed fully under seal pending the Court’s determination whether to adopt the Report and Recommendation following the parties’ filing of Objections and Responses to Objections. *See* Doc. No. 34. Plaintiff’s Complaint is due to be filed on March 26, 2024, with Objections to follow on April 28, 2024, and Responses to Objections to follow on May 12, 2024. Doc. No. 48. Certain of Plaintiff’s allegations that gave rise to Defendants’ application for a sealing order were addressed during the January 24 Conference. Accordingly, without at least a temporary sealing of the January 24 Transcript, the sealing order that Defendants may be entitled to upon considering

JUDD BURSTEIN, P.C.

Hon. Jessica G. L. Clarke
March 12, 2024
Page 2

Defendants' Objections could be rendered moot, at least in part. Alternatively, at a minimum, Defendants request that the following portions of the January 24 Transcript be sealed, as they most directly relate to the issues that are potentially subject to sealing:

p. 3: 22-25;
p. 4: 4-9;
p. 5: 11-17;
p. 7: 1-9;
p. 8: 6-8;
p. 9: 11-25;
p. 11: 1-3; 16-23;
p. 12: 7-24;
p. 13: 1-12; 21-25;
p. 14: 1-21;
p. 15: 1-22;
p. 16: 1-25
p. 17: 1-20;
p. 18: 3-16; 23-25;
p. 19: 1-3;
p. 20: 13-25;
p. 21: 1-13;
p. 23: 17-25;
p. 24: 10-25;
p. 25: 4-12;
p. 26: 6-8;
p. 27: 17-25; and
p. 34: 1-6.^[1]

¹ We have not included the January 24 Transcript with this filing to avoid making it publicly available. However, we can provide it directly to the Court upon request. Plaintiff's counsel already has a copy.

JUDD BURSTEIN, P.C.

Hon. Jessica G. L. Clarke
March 12, 2024
Page 3

If the Court overrules Defendants' Objections, then granting the relief sought herein will only result in a short delay in the full January 24 Transcript becoming remotely available to the public via PACER. Indeed, with Responses to Objections due on May 12, 2024, it is conceivable that the Court may rule before the January 24 Transcript is scheduled to become public on June 4, 2024. However, if the Court does not temporarily stay the public filing of the January 24 Transcript, then a significant portion of the relief that Defendants may be entitled to under the Court's January 25 Order (Doc. No. 34) could be vitiated. Therefore, we ask the Court to grant the limited relief sought herein.

My office contacted counsel for Plaintiff who does not object to the relief sought herein without prejudice to Plaintiff's position that certain portions of the January 24 Transcript are not subject to sealing and/or redaction.

Respectfully yours,

/s/ Judd Burstein

Judd Burstein

cc: Jeanne M. Christensen, Esq. (via ECF)
Michael J. Willemin, Esq. (via ECF)